

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:04-CR-148 JCM (LRL)

Plaintiff(s).

ORDER

V.

JEFFREY MICHAEL DONNELLY,

Defendant(s).

Presently before the court is defendant Jeffrey Michael Donnelly's unopposed motion to amend. (ECF No. 65).

On February 8, 2018, the court re-sentenced defendant to ten years of custody, which is the maximum sentence 18 U.S.C. § 924(a)(2). Four days later, the court entered an amended judgment stating that defendant's prison sentence is "(10) years or credit for time served." (ECF No. 61).

The amended judgment is inconsistent judgment because defendant has served more than ten years of custody. Therefore, under Federal Rule of Criminal Procedure 36, the court will amend the amended judgment to correct this error. *See* Fed. R. Crim. P. 36 (“. . . the court may at any time correct a clerical error in a judgment, order, or other part of the record . . .”).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to amend (ECF No. 65) be, and the same hereby is, GRANTED.

Defendant Jeffrey Michael Donnelly shall prepare and submit to the court a proposed judgment consistent with the foregoing within thirty (30) days from the date of this order.

DATED April 26, 2019.

James C. Mahan
UNITED STATES DISTRICT JUDGE